

## ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

**To:** Minh Chau Vietnamese Restaurant Ltd.  
“the Owner”

Ngoan Thi Thanh Mach  
“the Director”

**RE:** The food establishment located in Calgary, Alberta and municipally described as:  
Minh Chau Vietnamese Restaurant  
1318 9 Avenue SE

**WHEREAS** I, an **Executive Officer of Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

**AND WHEREAS** such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. Mouse droppings were found throughout the facility, namely behind the shelves in the back storage rooms, under food preparation tables, under the dishwasher and 2-compartment sink, behind the chest freezers by the cookline, behind the cookline equipment, and under the sink at the bar.
- b. There was a gap between the floor and the bottom of the back door.
- c. A plate of cooked chicken was reheated in the microwave, and internal temperature measured 57.4 °C.
- d. A bowl of cooked pork was stored at room temperature, and internal temperature was at 16.5°C.
- e. A functional probe thermometer was not available to confirm cooking temperatures.
- f. No operator in care and control of the food establishment holds a valid food safety certificate.
- g. Styrofoam boxes and cardboard boxes were used to store food in the walk-in cooler; the boxes were badly damaged and worn and there was some attempt to repair the boxes with tape.
- h. A frayed colander was used to store beef.
- i. Surfaces throughout the food establishment were covered in dust and grease.
- j. Clusters of decorative items and excess equipment were stored at the bar and in the back storage room.
- k. A cleaning schedule was not implemented.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006 and the Food Retail and Foodservices Code exist in and about the above noted premises, namely:

- a. Mouse droppings were found throughout the facility, namely behind the shelves in the back storage rooms, under food preparation tables, under the dishwasher and 2-compartment sink, behind the chest freezers by the cookline, behind the cookline equipment, and under the sink at the bar. This is in contravention of the Food Regulation AR 31/2006 of section 21(1) which states that: Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests. (1.1) The following must be kept reasonably free of pests and of conditions that lead to the harbouring or breeding of pests: (a) any surrounding area, premises or facilities supporting a commercial food establishment, including any outdoor food handling areas of the commercial food establishment.
- b. There was a gap between the floor and the bottom of the back door. This is in contravention of the Food Regulation AR 31/2006 of section 17(2) which states that: Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests.
- c. A plate of cooked chicken was reheated in the microwave, and internal temperature measured 57.4 °C. This is in contravention of the Food Regulation AR 31/2006 of section 24 which states that: All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.
- d. A bowl of cooked pork was stored at room temperature, and internal temperature was at 16.5 °C. This is in contravention of the Food Regulation AR 31/2006 of section 25(1) which states that: All high-risk food must be stored, displayed and transported at a temperature of (a) not more than 4°C or such higher temperature, or (b) not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- e. A functional probe thermometer was not available to confirm cooking temperatures. This is in contravention of the Food Regulation AR 31/2006 of section 28(1) which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- f. No operator in care and control of the food establishment holds a valid food safety certificate. This is in contravention of the Food Regulation AR 31/2006 of section 31(1) which states that: A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one individual who has care and control of the commercial food establishment holds a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.
- g. Styrofoam boxes and cardboard boxes were used to store food in the walk-in cooler; the boxes were badly damaged and worn and there was some attempt to repair the boxes with tape. This is in contravention of the Food Regulation AR 31/2006 of section 23(1) & 28(1) which states that: All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner. And this is in contravention of the Food Regulation AR 31/2006 of section 28(1), which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- h. A frayed colander was used to store beef. This is in contravention of the Food Regulation AR 31/2006 of section 28(3) which states that: All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food.
- i. Surfaces throughout the food establishment were covered in dust and grease. This is in contravention of the Food Regulation AR 31/2006 of section 28(2) which states that: A

commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination.

- j. Clusters of decorative items and excess equipment were stored at the bar and in the back storage room. This is in contravention of the Food Regulation AR 31/2006 of section 28(2) which states that: A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination.
- k. A cleaning schedule was not implemented. This is in contravention of the Food Regulation AR 31/2006 of section 29 which states that: (1) A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance. (2) The procedures must include (a) the cleaning and sanitizing requirements for the commercial food establishment and for all equipment and utensils in it, if any, that are not normally washed in a dishwasher, and (b) a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentrations and uses.

**AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately close the above noted premises.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Retain professional pest control services to abate the mouse infestation. Provide reports from the professional pest control company to an Alberta Health Services, Executive Officer for review.
  - b. Remove all mouse droppings and clean and disinfect surfaces contaminated by mouse excrement. Rinse all food contact surfaces with potable water following disinfection.
  - c. Seal the gap between the floor and the bottom of the back door to avoid entry of pests.
  - d. Obtain additional hot or cold holding units to keep high-risk foods at 60 °C or greater or at 4°C or colder. Discard all high-risk foods stored at room temperature.
  - e. Ensure high-risk food, namely cooked pork, is properly reheated to 74°C prior to service or hot holding.
  - f. Obtain a operational probe thermometer to confirm cook/reheat temperatures.
  - g. Ensure an operator who is in care and control of the food establishment obtains a food safety certificate issued by an Alberta Minister of Health approved provider.
  - h. Obtain smooth, non-porous, and cleanable containers for food storage. Ensure the food containers are maintained clean/sanitized and in good repair.
  - i. Thoroughly clean and sanitize all surfaces and equipment in the food establishment to remove dust and grease buildup.

- j. Prepare, implement, and maintain a detailed daily/weekly/monthly written sanitation program to facilitate the proper cleaning of all areas of the food establishment, including equipment, and structural surfaces. The sanitation program must include a list of all cleaning and sanitizing agents used within the food establishment. The sanitation program must be submitted to an Alberta Health Services Executive Officer for review. Following task completion, the cleaning record(s) must be signed off daily by the person in care and control of the food establishment.
  - k. Organize the bar and the storage areas; remove all unused items and equipment to ensure ease of access for monitoring and cleaning the areas.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, June 20, 2024

Confirmation of a verbal order issued to Thuy Thai on June 19, 2024

Executive Officer  
Alberta Health Services

You have the right to appeal

A person who      a) is directly affected by a decision of a Regional Health Authority, and  
                             b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board  
c/o Central Reception  
Main Floor, ATB Place North Tower  
10025 Jasper Avenue NW  
Edmonton, Alberta, T5J 1S6  
Phone: 780-222-5186  
Fax: 780-422-0914  
Email: [HealthAppealBoard@gov.ab.ca](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

**Copies of standards are available by visiting:** <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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[www.ahs.ca/eph](http://www.ahs.ca/eph)